IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

WP(C).No. 27397 of 2006(J)

AGAINST THE ORDER IN EP 48/2005 IN
OS.159/2003 of ADDL. SUB COURT,ALAPPUZHA

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PETITIONER:

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1. PUSHPALATHA, W/O. THYAGARAJAN,
AGED 45 YEARS, LATHA NIVAS,
KALARKODE, ALAPPUZHA.

2. THYAGARAJAN, AGED 48 YEARS,
LATHA NIVAS, KALARKODE, ALAPPUZHA.

BY ADV. SRI.GEORGE MATHEW
SRI.A.V.TELLES

RESPONDENTS:

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1. KERALA HOUSING FINANCE LTD.,
THIRUVANANTHAPURAM, REP. BY ITS DIRECTOR
G.UNNIKRISHNAN NAIR, S/O. GOVINDAN PILLAI,
MULLASSERIL HOUSE, CHOORAKADU P.O.,
ADOOR, PATHANAMTHITTA DISTRICT.

2. V.VASUDEVAN,
MANAGER, KERALA HOUSING FINANCE LTD.,
ALAPPUZHA BRANCH, ALAPPUZHA.

BY //

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C) .NO.27397 OF 2006

Dated 7th December 2006

JUDGMENT

This petition is filed under Article 227 of Constitution of India challenging Ext.P2 sale proclamation. Learned counsel appearing for petitioners submits that petitioners have filed an application to amend the writ petition by incorporating a prayer challenging Ext.P3 order passed by the executing court settling the proclamation for sale. Learned counsel appearing for petitioner also submitted that pursuant to the sale proclamation the property has already been sold. In such circumstances, this petition is dismissed with liberty to petitioners to file application either under Rule 89 or Rule 90 of Order XXI of Code of Civil Procedure before the executing court.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.